

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY BRUCE ARMSTRONG,

Petitioner,

Case No. 1:07-CV-974

v.

Hon. Richard Alan Enslen

WILLIE SMITH,

Respondent.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of United States Magistrate Judge Ellen S. Carmody, filed January 11, 2008, is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's Motion to Withdraw Unexhausted Claims (contained in Dkt. No. 8) is **GRANTED** and Petitioner's Petition for Writ of Habeas Corpus (Dkt. No. 1) is **DISMISSED** for the reason(s) stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability is denied as to each issue raised by Petitioner.

Dated in Kalamazoo, MI:
February 11, 2008

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge